

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDREW MAISON,

Petitioner,

Case Number: 2:18-CV-13694
HON. LAURIE J. MICHELSON

v.

THOMAS WINN,

Respondent.

ORDER OF DISMISSAL WITHOUT PREJUDICE

This is a habeas case under 28 U.S.C. § 2254. Petitioner Andrew Maison is a state inmate incarcerated at the Saginaw Correctional Facility in Freeland, Michigan. He filed a *pro se* habeas corpus petition claiming that he is incarcerated in violation of his constitutional rights. The Court issued an Order to Correct Deficiency (Dkt. 4) because Petitioner failed to submit either the \$5.00 filing fee for a habeas corpus petition or to seek leave to proceed *in forma pauperis*. *See* 28 U.S.C. § 1914(a); 28 U.S.C. § 1915. The Court required Petitioner to correct the deficiency within twenty-one days and cautioned that failure to do so could result in dismissal of the petition. Petitioner has not corrected the deficiency and the time for doing so has expired. The Court will dismiss the petition. This dismissal is without prejudice to Petitioner's right to file another petition in accordance with the applicable Federal and local rules.

Accordingly, the petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**. The Court holds that no reasonable jurist would find the Court's non-prejudicial

dismissal of the petition debatable or wrong, so the Court will not issue a certificate of appealability. *See Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000).

SO ORDERED.

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE

Date: March 18, 2019

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon Petitioner on this date, March 18, 2019, using first-class U.S. mail.

s/William Barkholz
Case Manager